




Issuing Office:

Department of the Interior
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Charles M. Wooley
Regional Director APR 3 - 2020
REGIONAL DIRECTOR

Permittee:

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS
dba UNIVERSITY OF ILLINOIS-CHICAGO
ENERGY RESOURCES CENTER AT THE UNIVERSITY OF ILLINOIS AT CHICAGO
1309 S HALSTED STREET
MC156
CHICAGO, IL 60607

Name and Title of Principal Officer:

JOANNA GRODEN - VICE CHANCELLOR FOR RESEARCH

Authority: Statutes and Regulations: 16 USC 1539(a), 16 USC 1533(d); 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13.

Location where authorized activity may be conducted:

See permit conditions for location(s)

Reporting requirements:

ANNUAL REPORT DUE: 03/31

See permit conditions for reporting requirements

Authorizations and Conditions:

Issuing Office:

Department of the Interior
U.S. Fish & Wildlife Service
Great Lakes Region

Permittee:

The Board of Trustees of the University of Illinois
(dba) University of Illinois-Chicago

Name and Title of the Principal Officer:

Joanna Groden- Vice Chancellor for Research

Authority: Statutes and Regulations:

16 USC 1539 (a), 16 USC 1533(d), 16 USC 703-712, 50 CFR 17.22, 50 CFR 17.32, 50 CFR 13

**I. Authorizations and Conditions:**

- A. All sections and provisions of Title 50 Code of Federal Regulations, parts 13, 17.22 and 17.32 are conditions of this Permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. As set forth in Title 50 Code of Federal Regulations 17.22(d)(5) and 17.32(d)(5), should the covered species become listed as threatened or endangered under the Endangered Species Act, no additional conservation measures, nor additional land, water, or resource use restrictions for the monarch butterfly on enrolled non-Federal lands, beyond those described herein, will be required should the monarch become listed in the future.
- C. Permit/Certificate of Inclusion (CI) holder actions resulting in take may occur on ROW easements or leased lands where the Permit/CI holder does not own fee title. When the easement or leased lands are enrolled in the Agreement, the underlying fee title owner receives assurances that they will not be held liable for take that is solely caused by the permit/CI holder.
- D. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other Federal law.
- E. Valid for use by permittee named above, for incidental take of monarch butterflies (*Danaus plexippus*) caused by the implementation of the programmatic Candidate Conservation Agreement with Assurances and integrated Candidate Conservation Agreement as described below. In this integrated Agreement, incidental take includes effects to habitat (for example, impacts to open habitats that may include milkweed, nectar plants, or both while monarchs may be present on the landscape), or directly to individuals (for example, harm or mortality of eggs, larva, or adults).
- F. Acceptance of the permit serves as evidence that the Permittee agrees to abide by all conditions stated herein. Please read through these conditions carefully as violations of permit terms and conditions could result in the Permit being suspended or revoked. Violations of Permit terms and conditions that contribute to a violation of the Endangered Species Act could also subject Permittees to criminal or civil penalties.

II. Special Terms and Conditions for the "Nationwide Candidate Conservation Agreement for Monarch Butterfly on Energy and Transportation Lands: an Integrated Candidate Conservation Agreement with Assurances and Candidate Conservation Agreement" (Agreement):

- A. This Permit authorizes the University of Illinois-Chicago (Program Administrator of the Agreement) and its Certificate of Inclusion (CI) holders (Partners) to conduct permitted activities on Covered Lands enrolled in CIs. The Permit terms and conditions are binding on the Program Administrator, Partners, and any authorized employee, contractor, or agent. In the event the Covered Species becomes federally listed as threatened or endangered under the Endangered Species Act (ESA), this Permit authorizes take of the Covered Species in accordance with the Agreement.
- B. **Covered Area:** As described in Section 4.1 of the Agreement, the Covered Area includes lands managed by energy and transportation partners within the migratory, non-migratory, breeding, and overwintering range of the monarch butterfly within the lower 48 states of the continental U.S. The Covered Area **does not** include



documented overwintering sites such as the overwintering groves along the California coast, and the Agreement requires specific conservation measures within proximity of those areas. Within the Covered Area, the Program Administrator may issue CIs including Partner properties owned in fee title, as well as those lands on which Partners maintain leases, easements, or other agreements that allow them to conduct the conservation measures and/or covered activities agreed to in their CIs.

- C. The Program Administrator is responsible for ensuring that the activities of all Partners are in compliance with the terms and conditions of this Permit.
- D. The authorization granted to this Permit is subject to the following conditions:
- Full and complete compliance with, and implementation of, the Agreement and all specific terms and conditions contained in this Permit. These Permit terms and conditions supersede and take precedence over any inconsistent provisions in the Agreement or other documents associated with the Section 10(a)(1)(A) Enhancement of Survival Permit.
 - Compliance with any regulations, restrictions, or conditions (e.g., conditions of easements, leases, or other permits) governing the enrolled lands pertaining to, but not limited to, fish and wildlife, land and water use, water quality, local economy, and cultural and historic resources.
 - Compliance with any additional necessary permits, leases, easements, or licenses applicable to the fulfillment of the Agreement.
- E. **Coordination with Federal land management agencies:** *[Note: This condition implements the term and condition that the Service included in the incidental take statement that it provided with the conference opinion that it completed for the CCAA/CCA. Partners must implement this condition if the monarch is listed as threatened or endangered and if their actions would result in prohibited take of the monarch on federal lands.]* At times, the Permittees will carry out activities that will affect monarchs on Federal lands. The relevant Federal land management agencies are likely to have their own objectives for monarch conservation on their lands and to be planning and implementing actions to conserve the species. In addition, they are likely to hold special expertise with regard to the status and trends of the species and its habitat in the areas where Permittees will propose to implement covered activities, conservation measures, or both. Therefore, Permittees shall coordinate with the relevant land management agencies to reduce negative effects to monarchs and to minimize the extent of incidental take. This coordination will also allow Permittees to ensure that Federal land management agencies are aware of their enrollment in the CCA and of the incidental take statement.

Notify and coordinate with Federal land management agencies

Before carrying out covered activities or conservation measures for the monarch on Federal lands in pursuit of the Agreement, holders of Certificates of Inclusion (Partners) shall provide the relevant Federal land management agency with an explanation of the proposed activities and their objectives. This notification shall include all activities that the Partner will carry out on lands under the jurisdiction of the land management agency that are included in their Certificate of Inclusion. This notification may be conducted programmatically for all activities undertaken by a Partner on Federal lands. As part of this notification, the Permittees shall request the agency's input on any aspect of the activities that could affect monarchs and that could avoid or minimize effects to the monarch or further enhance the benefits of proposed conservation measures.



This condition does not alter any existing notification requirements and timeframes already in place on the Permittee's easements or permits across Federal lands. It requires Partners only to notify relevant agencies, but does not require additional permissions or approvals beyond those already required under existing easements or permits from the agencies. For example, if a Partner has notified relevant agencies, but does not receive a response, this requirement is considered as fulfilled for the purposes of this term and condition.

To ensure that agency staff at the appropriate level are aware of activities that affect monarchs on the lands for which they have primary management responsibility, a Partner shall contact specific Federal land managers when acquiring special use permits, access permits, or other authorization notices. Notification is intended to be conducted at this local level, rather than contacting regional or national headquarters offices. The Program Administrator will provide assistance to the Partners if they are uncertain of the appropriate agency contacts.

III. Incidental Take

- A. Pursuant to 50 CFR 17.22 (d), this Permit authorizes the incidental take of monarch butterflies and/or the reduction of their habitats on enrolled properties resulting from the implementation of conservation measures, covered activities, and monitoring activities as described in the Agreement. Take must be incidental to otherwise lawful activities on the enrolled lands in the Covered Area and consistent with the implementation of the Agreement, this Permit, and the analyses and conclusions of the Service's intra-service Section 7 conference opinion. The amount of authorized incidental take for monarch butterflies is contingent upon Partners maintaining, enhancing, and creating monarch habitat on a specified proportion of enrolled lands annually, in order to achieve a net conservation benefit (as explained in Section 6 of the Agreement "Conservation Measures").

IV. Annual Report

- A. The Program Administrator shall submit an annual report to the Great Lakes Fish and Wildlife Service Regional Office (Bloomington, MN), Ecological Services Program. This report will be based, in part, on the annual reports provided by CI holders and submitted data including the location and number of adopted acres managed (See Agreement Section 14 'Monitoring Provisions'). At a minimum, the annual report to the Service shall include:
- In table format: a cumulative summary of the CIs issued under the Agreement, including (at a minimum) the name of the CI holder, the term of the CI, the date issued, number of acres enrolled, number of adopted acres annually, the conservation measures and covered activities included in the CI, geographic location, the properties and number of acres added and removed from the CI over the last year (if applicable), any CI changes or adaptive management reported under the CI for the last year, whether or not the CI has developed an individual implementation plan and if activities have been conducted in accordance with that plan
 - In table format: a summary of the number of CIs issued to date, acres enrolled by major sector (energy and transportation), and adopted acres in the Agreement as a whole
 - Summary of major accomplishments of the collective, Advisory committee, or UIC (e.g., new



trainings etc.)

- Whether or not the Program Administrator believes they are in compliance with the Permit, Agreement, and Conference Opinion/Biological Opinion
- Acknowledgment that the Program Administrator confirmed compliance by reviewing geospatial database (or other database) containing CI annual reports and confirming details as necessary- to ensure appropriate implementation of the Agreement
- Summary results or reports from field compliance inspections, as available. (The Program Administrator or other designated parties may conduct field compliance inspections to assure proper implementation of conservation measures, of avoidance and minimization measures (AMMs) specified in CIs or individual implementation plans.)
- Identification of any future improvements or changes to the Agreement that the Program Administrator expects to pursue
- A brief summary of what's going well in the Agreement at a high level. Is this Agreement performing as intended? Does the Agreement streamline covered activities?
- A brief summary of challenges
- Self-verification that Partners have complied with S106 and S7 for areas where covered activities and conservation measures have been implemented and can demonstrate compliance if asked
- Adaptive management and changed circumstances, whether any adaptive management occurred, or any event triggering a changed circumstance occurred, and what actions were taken
- Summary of effectiveness monitoring in table form, and connected to geospatial location where monitoring was done
- A copy of updated compiled monitoring database

V. Permit Revocation

- A. In accordance with criteria in 50 CFR 13.28. and 50 CFR 17.22/32(d)(7) this permit may be revoked for reasons set forth in 50 CFR 13.28(a)(1) through (4):
- (1) The permittee willfully violates any Federal or State statute or regulation, or any Indian tribal law or regulation, or any law or regulation of any foreign country, which involves a violation of the conditions of the permit or of the laws or regulations governing the permitted activity; or
 - (2) The permittee fails within 60 days to correct deficiencies that were the cause of a permit suspension; or
 - (3) The permittee becomes disqualified under 13.21(C) of this part; or
 - (4) A change occurs in the statute or regulation authorizing the permit that prohibits the continuation of a permit issued by the Service; or unless continuation of the permitted activity would be inconsistent with the criterion set forth in 50 CFR 17.22 (d)(2)(iii) and 50 CFR 17.32(d)(2)(iii), which states: The probable direct and indirect effects of any authorized take will not appreciably reduce the likelihood of survival and recovery in the wild of any species.

VI. Buffer Zone Activities

- A. Lands within 100-feet of rights-of-way. Incidental take of monarch butterfly by landowners (or their designees) on lands within 100-feet of each edge of covered right-of-way lands immediately adjacent to



adopted acres where Certificate of Inclusion holders are applying conservation measures is authorized provided that (1) appropriate monarch conservation measures identified in Table 6.3 of the Agreement are implemented and can be documented by landowners (or their designees) within the 100-foot buffer zone, and (2) the incidental take by the landowners (or their designees) results from the implementation of these conservation measures or from covered activities (including the landowner's general operations, maintenance and modernization, or vegetation management activities), and (3) the activity will not result in take of listed or proposed species other than monarch butterfly, will not destroy or adversely modify designated or proposed critical habitat, and will not affect historic properties. The validity of this take authorization is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other Federal law. Any enforcement action for failure of landowners (or their designees) to comply with the terms of this paragraph or for unauthorized take shall not be directed at or implicate the permit holder.

- B. Severability. Paragraph VI.A above does not impose any duties or responsibilities on the Partners or Program Administrator not otherwise described in this Permit. Paragraph VI.A above is a freestanding agreement between adjacent landowners and the Service, arrived at as a result of a separate and discrete decision-making process and review. If paragraph VI.A is determined by a court of competent jurisdiction to be to any extent illegal, otherwise invalid, or incapable of being enforced, paragraph VI.A shall be excluded from this Permit to the extent of such illegality, invalidity or unenforceability, and all other terms of the Permit hereof shall remain in full force and effect. Any concern, contest, or question regarding the incidental take authorized on buffer lands within 100-feet of adopted acres on enrolled rights-of-way shall be directed to the Service.